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Note verbale dated 20 July 2005 from the Permanent Mission of Kenya to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to submit herewith Kenya's report on the implementation of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 20 July 2005 from the Permanent Mission of Kenya to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)

United Nations Security Council resolution 1540 (2004): nuclear materials/weapons

Introduction:

Kenya has been a member state of IAEA since 1965. Since then, there has been many Technical cooperation Programmes between the Agency and Kenya, some of which culminated into the enactment of Radiation Protection Law in 1982 which seeks to control the development, acquisition, manufacture, possession, transport, transfer or the use of nuclear materials and by extension nuclear weapons. The National Council for Science and Technology has developed draft nuclear science and technology policy paper to promote the peaceful uses of radiation sources and nuclear materials. This paper is with stakeholders for review.

The Radiation Protection Act

Under the Radiation Protection Act, there are regulatory provisions for the licensing of all users and handlers of radioactive materials. A categorized list of Radioactive Materials, which include nuclear materials, is also kept in a register under the Act. Where there is inadequacy of regulations, the Act expressly authorizes the use of regulations developed by the IAEA.

Treaties and Conventions

Kenya is a signatory to the following treaties and conventions.

1. Nuclear Non Proliferation Treaty (NPT)
2. Comprehensive Nuclear Test Ban Treaty (CTBT)
3. Physical Protection of Nuclear Material
4. Pelindaba Treaty

However, Kenya is yet to sign and ratify the comprehensive safeguards agreements and additional protocols. Efforts to accede to these instruments are being given priority. Meanwhile, Kenya is party to the Code of Conduct on the safety and security of radioactive materials.

Radiation Protection Infrastructure

The RPA establishes a National Radiation Protection Board (RPB) with the following functions.

(i) Advice the Minister on all matters relating to radiation safety including but not limited to; safe transport of radioactive materials, management and disposal of radioactive waste, safe storage of radioactive materials, naturally occurring radioactive materials and non-ionizing radiation;
(ii) Implement the provisions of this Act and the regulations made there under;
(iii) Grant or refuse to grant or extend licenses issued under this Act and to impose any conditions on a license so granted;
(iv) Enhance co-operation and co-ordination between the Government, and other stakeholders involved in the implementation of the provisions of this Act;
(v) Monitor independently or in co-operation with any person, such surveys, investigations and services as the Board may consider necessary for its tasks;
(vi) Ensure that proper ethics and codes of practice are maintained in activities involving use of radiation sources;
(vii) Ensure the maintenance of standards under this Act for purposes of safety in the use of radiation sources, consumer goods and natural environment; and
(viii) Provide guidelines and support such measures as may be necessary for the protection of the public in a radiological or nuclear emergency.

The Act also establishes the office of the Chief Radiation Protection Officer with executive powers to create an appropriate infrastructure for purposes of Radiation Safety and security of Radioactive Materials and nuclear material.

There exists an active Radiation Protection Inspectorate with a personnel establishment of 50 which has very close links with the National Council for Science and Technology and IAEA.

The National Council for Science and Technology (NCST) promotes and coordinates the use of nuclear techniques throughout the country. There are over fifty (50) such projects (National, Regional, AFRA, Interregional) that are under the supervision of both the NCST and RPB, with the IAEA-Technical Coperation programme. One such project is enhancing nuclear security in member states.

These projects are as a result of a Country Programme Framework (CPF) 2005 – 2010 recently signed by the Government of Kenya and the IAEA.

Education.

The University of Nairobi, runs an Institute of Nuclear Science, where professional experts are trained in radiation safety and security of Radioactive Materials.

NCST in consultation with stakeholders is also in the process of forming a society for the promotion of science and technology.

The Eastern Africa Association for Radiation Protection (EAARP) has also been mandated to train users of Radioactive Materials in radiation safety.

The RPB also conducts awareness programmes on the need for radiation safety and security of radiation sources.

Challenges

(i) Illicit trafficking of nuclear materials and equipment.

In the recent past Kenya has caught up with individuals purporting to sell nuclear material for non-peaceful uses. Some of the material is under safe custody for further investigations.

Kenya boarders many countries and the Indian Ocean, with many border points. The RPB requires assistance in terms of equipment so as to conduct an effect surveillance programme across the country.

(ii) Regional Cooperation

Kenya continues to endeavour to achieve maximum cooperation from its neigbours with regard to radiation safety, security of radiation sources, etc.

There exists the EAARP which is open for membership in Uganda, Tanzania and Kenya.

There are also plans to convene regular tripartite meetings of the Chair-persons and Chief Executives, in RP matters, from the three member states. Assistance to effect decisions taken at the meetings will be highly appreciated.